

AUS920010415US1**09/893,471**

means for receiving via a computer network a request for counseling from at least a patient; and

means, operable in response to said means for receiving, for initiating a counseling session between a counselor and at least a patient.

REMARKS

Twenty-one claims were presented for Examination. Twenty-one claims stand rejected.

The Examiner noted the need for Applicants to submit corrected drawings. Copies of the formal drawings are herewith enclosed.

He first rejected Claims 21-30 under 35 USC 112 first paragraph and 35 USC 101.

Applicants make the above amendment to claim 21, adding 'standard' language to the preamble of the independent claim in this set of computer program products claims.

While this language was mentioned in the 101 rejection, Applicants believe it also removes the 112 rejection by making it clear that Applicants invention is embodied in an article of manufacture.

The Examiner has rejected claims 1, 2, 3, 4, 11 - 14, 21, 22, 24 as anticipated by US Pub. 2002/0010616 to Itzhaki (Itzhaki) under 35 USC 102(e). Indeed, the reference is quite close in nature to the present invention. Both advantageously use the Internet to make mental health counseling available in a convenient manner. The primary distinction between Itzhaki and the present invention as described and claimed is that Applicants provide for having one counselor interact serially with plural patients in a way that permits each to experience a one on one session. See the Specification page 5, lines 9-14. This feature is covered in the claims by including in claims 1 and 11 an element relating to receipt of a counseling request from at least a patient and establishing communication between at least a patient and the counselor. Claim 21 likewise contains analogous elements, and its preamble recites multiparty counseling. This feature does not appear in Itzhaki. For the reasons stated, then, Applicants traverse the 102 rejection. The

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reference does not disclose all features of the present invention as claimed. The present invention contemplates, and claims, a situation with a single counselor and multiple patients much like that experienced by a master chess player simultaneously carrying on games with plural opponents by sequentially executing a play with each. The perception of the patients and chess players is that they are engaged in a one on one encounter.

The Examiner rejected the remaining claims as obvious in view of Itzhaki in combination with one or both of US Patent 6,039,688 to Douglas et al. (Douglas) and US Patent 5,722,418 to Bro (Bro). Keeping in mind the primary difference which keeps Itzhaki from serving as a 102 reference, Applicants traverse the 103 rejections as well. The Examiner's main reference and the present invention provide interactive communication directly between a patient and a counselor. Claim 5 describes that aspect of the present invention which allows a patient to engage in a private communication with a third party during an interactive counseling session. The cited portion of Douglas deals with group support, but no counselor patient communication.

The Examiner finds motivation to combine Douglas with Itzhaki in the idea that it would be desirable to create a convenient way for patients to attend group support sessions. The combination does not result in the invention described in Applicants' claim 5. Douglas features no direct counselor patient contact. Rather, Douglas discloses a system which is accessible by a patient in order get help following doctor's orders. Included in Douglas is the ability to have a group comprising people with similar issues. Douglas's meeting room is the setting for pre-scheduled meeting at which attendance is limited to those who are scheduled, Col. 11, lines 34-39. Scheduling and allowing several people similarly situated to be in a chat room with no professional supervision is not the same as Applicants' Claim 5. Nor does the Douglas meeting room meeting led by a chairperson suggest the scenario covered by claim 5: a patient contacting a third party of the patient's choice during that patient's one on one counseling session.

Therefore, not only does the combination of Itzhaki and Douglas not teach Applicants' claim 5, but Applicants question the propriety of the combination since patients usually

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have a one on one session with a counselor or participate in a group. A patient would not do both in the same time period. Douglas describes its teachings as advantageously substituting for in person group meetings, column 11, lines 28-30. Douglas facilitates post meeting telephone conversation between attendees, column 13, lines 1-9.

With regard to claim 6, Applicants disagree with the Examiner's assertion that Douglas column 3, lines 3-9 and column 13, lines 1-3, 27-35, 41-43 suggest applicants' invention as described in claim 6. Applicants provide for a counselor to consult with another counselor while the first counselor is engaged in a one on one session with a patient, a consult in essentially real time. Douglas's system is accessible by various parties at their convenience for review and update of information pertaining to patients. See the Douglas ABSTRACT. The Douglas meeting room is the setting for peer group counseling. Any consultation among professionals occurs at another point in time.

With regard to claim 7, Applicants disagree with the Examiner's interpretation of Douglas. The private mentoring is disclosed at column 13, lines 15-18 as unstructured and not led by a chairperson. Again, Douglas deals with peer support groups of patients having similar behavioral modification issues. The system does not contemplate direct counselor patient online communication.

Similar reasons exist for Applicants' traverse of the rejection of claim 8. Claim 8 depends from claim 1 and describes setting a patient up with an appropriate group. The difference between a Douglas peer support group and Applicants' groups is a function of Applicants describing counselor patient communication.

Applicants' claim 9 stands rejected in view of the Itzhaki combination. For reason set forth above, Applicants do not agree that Douglas is truly pertinent to their invention as claimed. Further adding the teachings of Douglas to Itzhaki does not result in their invention. Applicants concede that the Itzhaki reference indeed suggests their scheduling feature.

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Claims 15-19 are analogous to claims 5-9 and Applicants traverse the Examiner's rejection for the same reasons used with regard to the latter.

The Examiner uses the same combinations of Itzhaki and Douglas to reject claims 23, 25, 26, 28. Applicants traverse the rejection of claim 23 for the same reasons as they advanced with regard to claim 7.

Applicants traverse the rejection of claim 25 for the reasons advanced above. The examiner concedes that Itzhaki does not teach group sessions. Applicants again point out that Douglas teaches no interaction between a patient and a counselor. Further, The Douglas group is a peer support group and the chairperson is not the counselor, but is rather a peer leader. Thus a combination of Itzhaki and Douglas neither teaches or suggests Applicants' "means for establishing a group counseling session for a plurality of patients and a counselor" as recited in claim 25.

The Examiner's rejection of claim 26 proceeds from his assertion that Douglas meetings are the same as Applicants' groups. As argued above, they are not. While there is some similarity in the process, choosing from a list of prescheduled meetings of people with similar issues is not truly suggestive of Applicants' means for establishing groups with a counselor.

The Examiner rejects claim 28 in view of the Itzhaki Douglas combination, Applicants traverse for the same reasons advance when they argued against the Examiner's position with regard to claims 5 and 15.

Similarly the Applicants assert the same argument used in regard to claims 6 and 16 with respect to the Examiner's position on claim 29.

With respect to claim 30, Applicants agree that Itzhaki mentions instant messaging. Applicants' claim, taken as a whole, includes several other elements not found in Itzhaki alone or in combination with Douglas.

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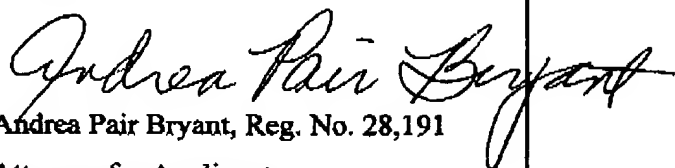
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The Examiner rejects analogous claims 10 and 20 in view of Itzhaki, Douglas and Bro. Bro also relates to a system for periodically communicating with individuals on specific topics. Applicants accept the Examiner's assertion that Bro's permanent log, column 15, line 28, is somewhat analogous to Applicants' session transcript. What the reference does not teach is Applicants' recitation that it is the counselor who may request the transcript.

Finally the Examiner has rejected claim 31 which includes *inter alia* the substance of claims 5, 6, 15, and 16 as they relate to communication with a third party by either the patient or the counselor, group set up as in claim 25 and session transcripts as in claims 10 and 20. Those elements, as argued above, Applicants assert in traversing the rejection.

In conclusion, Applicants urge the Examiner to reconsider his rejection in view of the amendment to claim 21 and the arguments advanced herein.

Respectfully submitted,



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